

1 AMENDMENT TO HOUSE BILL 2026

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2026 on page 1, by  
3 replacing line 1 with the following:

4 "AN ACT concerning children."; and

5 on page 1, by inserting after line 3 the following:

6 "Section 2. The Child Care Act of 1969 is amended by  
7 changing Section 4.1 as follows:

8 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

9 Sec. 4.1. Criminal Background Investigations.

10 (a) The Department shall require that each child care  
11 facility license applicant as part of the application  
12 process, and each employee of a child care facility as a  
13 condition of employment, authorize an investigation to  
14 determine if such applicant or employee has ever been charged  
15 with a crime and if so, the disposition of those charges;  
16 this authorization shall indicate the scope of the inquiry  
17 and the agencies which may be contacted. Upon this  
18 authorization, the Director shall request and receive  
19 information and assistance from any federal, State or local  
20 governmental agency as part of the authorized investigation.  
21 The Department of State Police shall provide information

1 concerning any criminal charges, and their disposition, now  
2 or hereafter filed, against an applicant or child care  
3 facility employee upon request of the Department of Children  
4 and Family Services when the request is made in the form and  
5 manner required by the Department of State Police.

6 (b) Information concerning convictions of a license  
7 applicant investigated under this Section, including the  
8 source of the information and any conclusions or  
9 recommendations derived from the information, shall be  
10 provided, upon request, to such applicant prior to final  
11 action by the Department on the application. Such information  
12 on convictions of employees or prospective employees of child  
13 care facilities licensed under this Act shall be provided to  
14 the operator of such facility, and, upon request, to the  
15 employee or prospective employee. Any information concerning  
16 criminal charges and the disposition of such charges obtained  
17 by the Department shall be confidential and may not be  
18 transmitted outside the Department, except as required  
19 herein, and may not be transmitted to anyone within the  
20 Department except as needed for the purpose of evaluating an  
21 application or a child care facility employee. Only  
22 information and standards which bear a reasonable and  
23 rational relation to the performance of a child care facility  
24 shall be used by the Department or any licensee. Any employee  
25 of the Department of Children and Family Services, Department  
26 of State Police, or a child care facility receiving  
27 confidential information under this Section who gives or  
28 causes to be given any confidential information concerning  
29 any criminal convictions of a child care facility applicant,  
30 or child care facility employee, shall be guilty of a Class A  
31 misdemeanor unless release of such information is authorized  
32 by this Section.

33 (c) A child care facility may hire, on a probationary  
34 basis, any employee authorizing a criminal background

1 investigation under this Section, pending the result of such  
2 investigation. Employees shall be notified prior to hiring  
3 that such employment may be terminated on the basis of  
4 criminal background information obtained by the facility.

5 (d) Notwithstanding any other provision of law, neither  
6 an investigation of a foster family home license applicant  
7 conducted under this Act nor a determination made with  
8 regard to a foster family home license application may  
9 consider or include any conviction (or disposition of  
10 supervision) of an applicant for any misdemeanor, business  
11 offense, or petty offense if the offense occurred more than  
12 15 years before the filing of the foster family home license  
13 application and the offense was not a sex offense or an  
14 offense involving bodily harm. The conviction (or  
15 disposition of supervision) of an applicant for a foster  
16 family home license for any misdemeanor, business offense,  
17 or petty offense that occurred more than 15 years before the  
18 filing of the application and was not a sex offense or an  
19 offense involving bodily harm may not be considered to be a  
20 bar or impediment to approval of the foster family home  
21 license application. In the case of any conflict between this  
22 subsection (d) and any other provision of law, this  
23 subsection (d) controls.

24 (Source: P.A. 84-158.)".